

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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EUREKA, CA 95501-1865
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MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908



F3a

DATE: March 30, 2006

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Robert S. Merrill, District Manager
Tiffany S. Tauber, Coastal Planner

SUBJECT: **Mendocino County LCP Amendment No. MEN-MAJ-1-02, (PART C, Hanna/Dickson):** Concurrence with the Executive Director's determination that the action of the County of Mendocino accepting the Commission's certification of LCP Amendment No. MEN-MAJ-1-02, Part C and adopting implementing ordinances is legally adequate (For Commission review at the meeting of April 14, 2006 in Santa Barbara).

1. **BACKGROUND:**

The Commission acted on County of Mendocino LCP Amendment No. MEN-MAJ-1-02 Part C (Hanna/Dickson) on December 14, 2005. The changes involved with the amendment to the certified LUP and IP include changing the coastal plan land use classification of a 1.2-acre property located 0.75 mile north of Mendocino, west of County Road #500D (aka Old Highway 1) from OS (Open Space) denoted as DPR (Department of Parks and Recreation) on the Coastal Land Use Map, to Rural Residential- 5 acre minimum (RR-5 [2 acre minimum]) and rezoning the site from OS to RR-5 [RR-2].

The Commission rejected Part C (Hanna/Dickson) of the amendment as submitted and then ultimately approved Part C of the amendment with one suggested modification as recommended by staff. Suggested Modification No. 1 would add Policy 4.7-4 to the "Big River Planning Area" area specific policies on page 173 of the LUP, requiring that adequate water supply and adequate septic and leachfield capacity be determined prior to approval of a coastal development permit for any future proposed development on the subject property as required by the LCP and consistent with Coastal Act 30250.

The language of Policy 4.7-4 added by Suggested Modification No. 1 is as follows:

Suggested Modification No. 1:

COUNTY OF MENDOCINO LCP AMENDMENT NO. MEN-MAJ-01-02
PART C (HANNA/DICKSON)
CERTIFICATION REVIEW
PAGE 2

Policy 4.7-4 In addition to all the required findings of consistency with the LCP, prior to approval of any coastal development permit for any future development proposed on APNs 118-32-10, 11, and 12, located at west of County Road #500D (a.k.a Old Highway One), approximately 0.75 mile north of Mendocino, the permit issuing authority and the applicant shall substantiate that APNs 118-32-10, 118-32-11, 118-32-12 have adequate water supply and septic capacity to support the proposed development.

2. EFFECTIVE CERTIFICATION:

On January 24, 2006, the Mendocino County Board of Supervisors held a public hearing and adopted Resolution No. 06-020 which acknowledges receipt of the Commission's resolution of certification, accepts and agrees to the Coastal Commission's modifications, agrees to issue permits in conformance with the modified LCP, and formally approves the necessary changes to the County's LUP and Implementation Program (see Exhibit No. 2).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that Mendocino County's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of the Mendocino County LCP Amendment No. MEN-MAJ-1-02 Part C shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

3. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the County of Mendocino to accept the Commission's certification of County of Mendocino's LCP Amendment No. MEN-MAJ-1-02 Part C and adopt the necessary changes to the County's LUP and Implementation Program are legally adequate, as noted in the attached letter, Exhibit No. 1 (to be sent after Commission concurrence).

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April __, 2006

Raymond Hall, Director
Department of Planning and Building Services
County of Mendocino
501 Low Gap Road
Room 1440
Ukiah, CA 95482

SUBJECT: Effective Certification of County of Mendocino LCP Amendment No. MEN-MAJ-1-02 (PART C, Hanna/Dickson)

Dear Mr. Hall:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors Resolution No. 06-020 for effective certification of County of Mendocino LCP Amendment No. MEN-MAJ-1-02 (PART C, Hanna/Dickson).

The County's resolution indicates that the County acknowledges receipt of and accepts the Commission's resolution for certification and that the County agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the County's resolution and ordinance fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of April 14, 2006 in Santa Barbara. Commission approval and the amendment process are now complete. If you have any questions, please contact Tiffany S. Tauber in our Eureka office at (707) 445-7833 or ttauber@coastal.ca.gov.

Sincerely,

ROBERT S. MERRILL
District Manager

EXHIBIT 1

RESOLUTION NO. 06-020

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 11-2001 HANNA/DICKSON/MENDOCINO COUNTY)

WHEREAS, the County of Mendocino has adopted a Local Coastal Program; and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission; and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program; and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended; and

WHEREAS, the Coastal Commission has held a public hearing on the requested amendment and has adopted a Resolution certifying the proposed amendment, being Part C of MEN-MAJ-1-02, subject to the Suggested Modifications incorporated herein; and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment, and has determined that the Local Coastal Program should be amended, and accepts and agrees to said Suggested Modifications.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Mendocino adopts the amendment to the Local Coastal Program reclassifying the Coastal Land Use Plan Maps for Assessor's Parcel Number 118-320-10, 11 and 12 from Open Space-Department of Parks and Recreation (OS- DPR) to Rural Residential- 5 acre minimum [2 acre minimum] (RR-5[RR-2]), and adding Policy 4.7-4 to the Section 4.7 of the Coastal Land Use Plan, as shown and described on the attached Exhibits A and B.

BE IT FURTHER RESOLVED, that the County agrees to issue coastal development permits subject to the amended Local Coastal Program and to carry out the Local Coastal Program in a manner fully in conformity with the California Coastal Act of 1976.

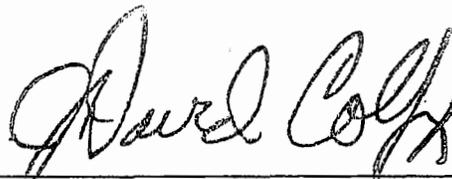
BE IT FURTHER RESOLVED, that Mendocino County Department of Planning and Building Services staff is directed to transmit the adopted amendments to the California Coastal Commission.

The foregoing resolution was introduced by Supervisor Smith, seconded by Supervisor Wagenet, and carried this 24th day of January, 2006, by the following vote:

AYES: Supervisors Delbar, Wattenburger, Wagenet, Smith, and Colfax
NOES: None
ABSENT: None

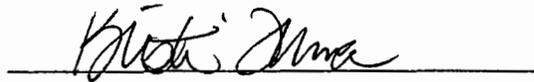
WHEREUPON, the Chairman declared said Resolution ORDERED.

EXHIBIT NO. 2
APPLICATION NO.
MEN-MAJ-1-02
(PART C, HANNA/DICKSON)
COUNTY RESOLUTION
(1 of 4)



J. DAVID COLFAX, Chairman
Mendocino County Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board



CASE#: GP 11-2001
OWNERS: HANNA/DICKSON

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

KRISTI FURMAN
Clerk of the Board

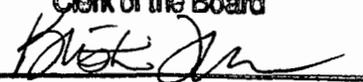
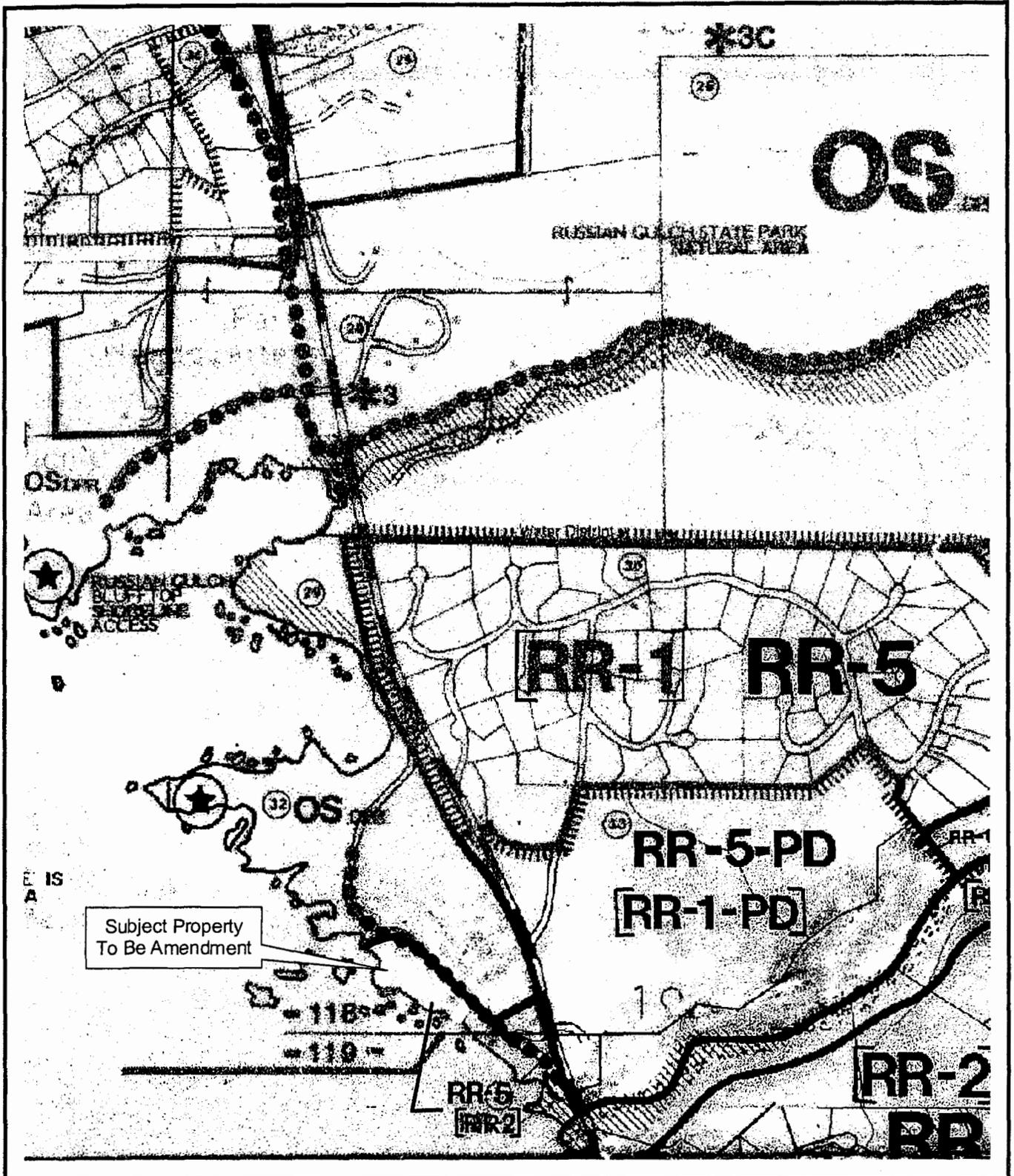
By: 

EXHIBIT A



COASTAL PLAN LAND USE MAP No. 15
CHANGE FROM OS to RR-5[RR-2]

OWNER: HANNA/DICKSON
APPLICANT: MENDOCINO COUNTY
CASE #: GP 11-2001
APN: 118-320-10, 118-320-11 & 118-320-12

394

Not To Scale ±

Exhibit B

Policy 4.7-4 is added to Section 4.7 Russian Gulch to Van Damme State Park Planning Area (Big River Planning Area), Coastal Element Policies (Big River Planning Area) of the Land Use Plan (Coastal Element) to read as follows:

Policy 4.7-4 In addition to all the required findings of consistency with the LCP, prior to approval of any coastal development permit for any future development proposed on APNs 118-320-10, 118-320-11 and 118-320-12, located west of County Road 500D (a.k.a. Old Highway One), approximately 0.75 mile north of Mendocino, the permit issuing authority and the applicant shall substantiate that APNs 118-320-10, 118-320-11 and 118-320-12 have adequate water supply and septic capacity to serve the proposed development.